

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

THOMAS BARRETT,

CASE NO.:

Plaintiff,

**NOTICE OF REMOVAL**

v.

B BAR R LIVESTOCK TRANSPORTATION  
INC. and LUKE JOHNSON,

Defendants.

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Defendants Bar B R Livestock Transportation, Inc. and Luke Johnson hereby remove this action from the District Court of Douglas County , Nebraska to the United States District Court for the District of Nebraska, pursuant to 28 U.S.C. §§ 1332(a), 1441, 1446, and Fed. R. Civ. P. 81, and state as follows:

**PLAINTIFF’S ALLEGATIONS AGAINST DEFENDANTS**

1. On August 18, 2022, Plaintiff Thomas Barrett filed the action that Defendants are now removing in the District Court of Douglas County, Nebraska, Case No. CI 22 00006348.

2. In his *Complaint*, Plaintiff brings causes of action for negligence against Defendants due to a motor vehicle accident occurring on or about July 26, 2021, in Omaha, Douglas County, Nebraska, whereby Plaintiff purportedly sustained personal injuries and damages.

**THIS COURT HAS DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332**

3. The claims in Plaintiff’s *Complaint* satisfy the amount-in-controversy requirement under 28 U.S.C. § 1332(a) because the damages sought by Plaintiff as a result of the alleged motor vehicle accident exceed \$75,000.

4. The claims in Plaintiff’s *Complaint* satisfy the complete diversity requirement under 28 U.S.C. § 1332(a) because no Defendant is a citizen of the same state as Plaintiff; Defendant Bar B R Livestock Transportation, Inc. is

organized and has its principal place of business in Iowa, Defendant Luke Johnson resides in Iowa, and Plaintiff resides in Nebraska.

**DEFENDANTS' COMPLIANCE WITH 28 U.S.C. § 1446 AND FRCP**

5. Plaintiff served Defendant Bar B R Livestock Transportation, Inc. with his *Complaint* on August 22, 2022 by Certified Mail. Plaintiff served Defendant Johnson with his *Complaint* on August 24, 2022 by Certified Mail.

6. Consequently, this *Notice of Removal* is being filed within 30 days of service of the Complaint as required under 28 U.S.C. § 1446(b).

7. Attached as Exhibit A is the Civil Cover Sheet filed in this action.

8. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders filed in the state court action are attached as Exhibit B.

9. There are no pending motions in the state court that will require resolution by this Court.

10. The names of counsel that have appeared in state court for Plaintiff, with their law firm and contact information, are as follows:

Benjamin C. Knowles, #24687  
James W. Knowles, Jr., #16596  
Knowles Law Firm  
First National Plaza, No. 450  
11404 West Dodge Road  
Omaha, NE 68154  
Phone: 402-431-9000  
Fax: 402-431-9099  
Email: [ben@knowleslawfirm.com](mailto:ben@knowleslawfirm.com)

No other counsel has appeared in the state court action.

14. Pursuant to 28 U.S.C. § 1446(d), Defendants are giving prompt, written notice of the filing of this *Notice of Removal* to adverse parties and are filing a copy of this *Notice of Removal* and attachments in state court.

WHEREFORE, for the reasons set forth herein, Defendants hereby remove this case to the United States District Court for the District of Nebraska, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

DATED: September 21, 2022

BAR B R LIVESTOCK  
TRANSPORTATION INC.,  
and LUKE JOHNSON  
Defendants.

By: /s/ Matthew D. Quandt  
Matthew D. Quandt, #26731  
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*Attorneys for Defendants.*

### **CERTIFICATE OF SERVICE**

On the 21st day of September 2022, I electronically filed the above and foregoing.  
I further certify that on the same day, I served a copy of the foregoing document via  
email:

Benjamin C. Knowles, #24687  
James W. Knowles, Jr., #16596  
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First National Plaza, No. 450  
11404 West Dodge Road  
Omaha, NE 68154  
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/s/ Matthew D. Quandt